

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

WASHINGTON COUNTY, NORTH
CAROLINA and BEAUFORT COUNTY,
NORTH CAROLINA,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF THE
NAVY; GORDON R. ENGLAND, in his
official capacity as Secretary of the Navy, and
B.J. PENN, in his official
capacity as Assistant Secretary of the Navy for
Installations and Environment (Acting),

Defendants.

Civil No. 2:04-CV-3-BO(2)

THE NATIONAL AUDUBON SOCIETY,
NORTH CAROLINA WILDLIFE
FEDERATION, and DEFENDERS OF
WILDLIFE,

Plaintiffs,

v.

DEPARTMENT OF THE NAVY; GORDON
R. ENGLAND, Secretary of the Navy;
B.J. PENN, Assistant
Secretary of the Navy for Installations and
Environment (Acting); R.M. FLANAGAN,
Major General, U.S. Marine Corps,
Commanding General, Marine Corps Air
Station, Cherry Point,

Defendants.

Civil No. 2:04-CV-2-BO(2)

MOTION TO SHORTEN TIME

Defendants, United States Department of the Navy, *et al*, represented by the undersigned counsel, hereby file this Motion to Shorten Time for plaintiffs to respond to the defendants' Motion and Memorandum of Law to Stay, Suspend or Modify Permanent Injunction Pending Appeal. The defendants ask that plaintiffs be given five business days to respond.

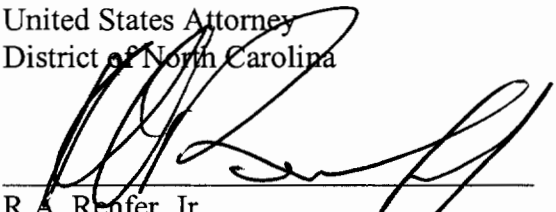
In support of this motion, the defendants give the following justification:

1. The issues in the defendants' motion are almost identical to the relief previously sought by the Navy in connection with the appeal of the preliminary injunction and the relief that was asked for during the hearing on summary judgment. These issues have already been fully briefed and argued by the parties.
2. Rule 8 of the Federal Rules of Appellate Procedure allows the defendants to file a Motion to Stay in the court of appeals, but only after the district court has "denied the motion or failed to afford the relief requested."
3. The defendants are continuing to suffer both economic and non-economic injury because of the Permanent Injunction, and therefore have an interest in proceeding as quickly as possible in the Fourth Circuit.

For the reasons set out above, this Court should shorten the time for plaintiffs to respond to five business days from today. The undersigned has contacted Plaintiffs' counsel to ask for their position on this motion, and they oppose this motion to shorten time.

Respectfully submitted this 25th day of March, 2005.

FRANK D. WHITNEY
United States Attorney
District of North Carolina



R.A. Renfer, Jr.
Assistant United States Attorney
Chief, Civil Division

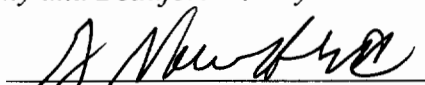
CERTIFICATE OF SERVICE

I hereby declare under penalty of perjury, that on March 25, 2005, I served a true and correct copy of the "MOTION TO SHORTEN TIME" by mailing it via first class mail to counsel at the places and addresses below stated:

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Counsel for Washington County and Beaufort County



Assistant United States Attorney